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10/598,979	09/15/2006	Gerald Fournand	ESSR:124US	2813

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

EXAMINER

THOMAS, BRANDI N

ART UNIT	PAPER NUMBER
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2873

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com

Office Action Summary	Application No. 10/598,979	Applicant(s) FOURNAND ET AL.	
	Examiner BRANDI THOMAS	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-83 and 100 is/are rejected.
- 7) ☒ Claim(s) 84-99 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 9/26/07. An initialed copy is attached to this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 49-83 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (2005/0254148 A1) in view of Mofatt (6909588) and further in view of Chen et al. (6551710 B1).

Regarding claim 49, Shimizu discloses, in figure 1, a method of treating an optical lens comprising: obtaining an optical lens (L) to be treated (paragraph 0043); a placing the lens (L) in an optical lens holder (1) comprising a support (1) and a first and a second arm (21 and 22) defining a lens holder (1) general plane (paragraph 0045, lines 3-5), the first and second arms (21 and 22) being relatively movable with regard to each other (paragraphs 0046, lines 1-4 and 0047, lines 1-4) and each arm (21 and 22) having spaced apart first and second end portions (213, 215, 222, and 225) and an intermediate portion (middle section of the arm) (paragraph 0046 and 0047), the arms (21 and 22) being mounted on the support (3) through their first end portions (213 and 222) and the second end portions (21 and 22) of each arm (21 and 22) adapted to

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accommodate an optical lens (L) during use (paragraphs 0046 and 0047), whereby an optical lens (L) can be maintained within the first and second arms (21 and 22) with its optical axis orthogonal to the general plane of the lens holder (1) through at least one contact point between the lens periphery and each of the first and second arms (21 and 22) (paragraphs 0046 and 0047) but does not specifically disclose wherein at least the second end portion of each arm comprises a material having a dielectric constant at 1 MHz equal to or higher than the dielectric constant of the optical lens material; and treating the lens while it is in the holder. Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means.

Regarding specific dielectric constants claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result. Chen et al. discloses treating the lens while it is in the holder (col. 31, lines 64-65). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Shimizu with the treatment process of Chen et al. for the purpose of rendering the surface of the lens more receptive to adhesives.

Regarding claim 50, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein treating the lens comprises a corona discharge treatment. Chen et al. discloses wherein treating the lens comprises a corona discharge treatment (col. 31, lines 64-65). Therefore it would have been obvious to one having ordinary skill in the

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art at the time of the invention to combine the device of Shimizu with the treatment process of Chen et al. for the purpose of rendering the surface of the lens more receptive to adhesives.

Regarding claim 51, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one to eight contact points between the lens periphery and each of the first and second lens arms (21 and 22) (paragraphs 0046, lines 10-12 and 0047, lines 9-11).

Regarding claim 52, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one to six contact points between the lens periphery and each of the first and second lens arms (21 and 22) (paragraphs 0046, lines 10-12 and 0047, lines 9-11).

Regarding claim 53, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one or two contact points between the lens periphery and each of the first and second lens arms (21 and 22) (paragraphs 0046, lines 10-12 and 0047, lines 9-11).

Regarding claim 54, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the support is not electrically conductive. Shimizu does not disclose that the support is electrically conductive, therefore, the support is not conductive.

Regarding claim 55, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portions of tile arms has a dielectric constant at 1 MHz of 3.0 or more. Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material

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that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means. Regarding specific dielectric constants claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

Regarding claims 56 and 57, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portion of the arms has a specific heat ($\text{kJ kg}^{-1} \text{K}^{-1}$) higher than the specific heat of the optical lens material. Also, regarding claim 57, does not disclose wherein the material of the second end portion of the arms has a specific heat higher than $1.2 \text{ kJ kg}^{-1} \text{K}^{-1}$. Chen et al. discloses the use of radical heat (col. 20, lines 59-63). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Shimizu with the heat of Chen et al. for the purpose of curing (col. 20, lines 59-63).

Regarding claim 58, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMII or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide. Chen et al. disclose wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMII or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide (columns 21 and 22). Therefore it would

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have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Shimizu with the material of Chen et al for the purpose of using as a curing agent (columns 21 and 22).

Regarding claim 59, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the second end portion (215 and 225) of each arm is either made of or covered with an electroconductive material (metal) (paragraph 0045).

Regarding claim 60, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the electroconductive material is a metal (paragraph 0045).

Regarding claim 61, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the intermediate portion and first end portion of the arms are made of an electrically insulating material. Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means.

Regarding claim 62, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the second end portion (215 and 225) of the arms are thinner than the intermediate and first end portions in a direction orthogonal to the general plane of the lens holder (figure 1).

Regarding claim 63, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm. Figure 1 of Shimizu illustrates wherein the second end portion are thin but does not disclose the range. It is obvious to one having ordinary skill in the art at the time

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the invention was made to include wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum range or workable ranges involves only routine skill in the art (*In re Aller*, 105 USPQ 233).

Regarding claim 64, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein each of the second end portions (215 and 225) of each arm adapted to accommodate an optical lens (L) during use lens comprises a recess having a bottom wall and two inclined sidewalls (figure 1).

Regarding claim 65, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the inclined sidewalls form an angle of at least 120° with the bottom wall (figure 1).

Regarding claim 66, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the support (3) comprises a pair of parallel rails (211 and 303), the first and second arms (21 and 22) being movable by translation on said pair of rails, relatively to each other.

Regarding claim 67, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the second end portion (225) of the second arm (223) is provided with an additional portion adapted to accommodate an optical lens (L) during use (paragraphs 0046), and further comprising a third arm (233) opposite to the first arm and lying in the lens holder general plane (paragraph 0049), relatively movable with regard to the second arm (22) and having spaced apart first and second end portions (232 and 235) and an intermediate portion (middle section of the arm) (paragraph 0046 and 0047), the third arm (23) being mounted on the support (3) through its first end portion (232) and the second end portion (235) of the third arm (23) being provided with a portion adapted to accommodate an optical lens (L) during use (paragraph 0049), whereby

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an additional lens can be maintained between the third arm and the second arm with its optical axis orthogonal to the general plane of the lens holder (1) through at least one contact point between its periphery and each of the second arm (22) and the third arm (23), wherein at least the second end portion (235) of the third arm (23) comprises a material having a dielectric strength of 1 MHz equal to or higher than the dielectric constant of the optical lens material. Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means. Regarding specific dielectric constants claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

Regarding claim 68, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one to eight contact points between the lens periphery and each of the second and third lens arms (22 and 23) (paragraphs 0047, lines 9-11 and 0049, lines 1-5).

Regarding claim 69, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one to six contact points between the lens periphery and each of the second and third lens arms (22 and 23) (paragraphs 0047, lines 9-11 and 0049, lines 1-5).

Regarding claim 70, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the optical lens holder (1) is further defined as comprising one or two contact points

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between the lens periphery and each of the second and third lens arms (22 and 23) (paragraphs 0047, lines 9-11 and 0049, lines 1-5).

Regarding claim 71, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the support is not electrically conductive. Shimizu does not disclose that the support is electrically conductive, therefore, the support is not conductive.

Regarding claim 72, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portions of tile arms has a dielectric constant at 1 MHz of 3.0 or more. Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means. Regarding specific dielectric constants claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

Regarding claims 73 and 74, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portion of the arms has a specific heat ($\text{kJ kg}^{-1} \text{K}^{-1}$) higher than the specific heat of the optical lens material. Also, regarding claim 57, does not disclose wherein the material of the second end portion of the arms has a specific heat higher than $1.2 \text{ kJ kg}^{-1} \text{K}^{-1}$. Chen et al. discloses the use of radical heat (col. 20, lines 59-63). Therefore it would have been obvious to one having ordinary skill in the

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art at the time of the invention to combine the device of Shimizu with the heat of Chen et al. for the purpose of curing (col. 20, lines 59-63).

Regarding claim 75, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMII or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide. Chen et al. disclose wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMII or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide (columns 21 and 22). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Shimizu with the material of Chen et al for the purpose of using as a curing agent (columns 21 and 22).

Regarding claim 76, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the second end portion (215 and 225) of each arm is either made of or covered with an electroconductive material (metal) (paragraph 0045).

Regarding claim 77, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the electroconductive material is a metal (paragraph 0045).

Regarding claim 78, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the intermediate portion and first end portion of the arms are made of an electrically insulating material. Moffatt discloses an insulative layer on a

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holder that requires good dielectric properties (col. 5, lines 50-66). It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means.

Regarding claim 79, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the second end portion (215, 225, and 235) of the arms are thinner than the intermediate and first end portions in a direction orthogonal to the general plane of the lens holder (figure 1).

Regarding claim 80, Shimizu discloses, in figure 1, a method of treating an optical lens but does not specifically disclose wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm. Figure 1 of Shimizu illustrates wherein the second end portion are thin but does not disclose the range. It is obvious to one having ordinary skill in the art at the time the invention was made to include wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum range or workable ranges involves only routine skill in the art (In re Aller, 105 USPQ 233).

Regarding claim 81, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein each of the second end portions (215 and 225) of each arm adapted to accommodate an optical lens (L) during use lens comprises a recess having a bottom wall and two inclined sidewalls (figure 1).

Regarding claim 82, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the inclined sidewalls form an angle of at least 120° with the bottom wall (figure 1).

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Regarding claim 83, Shimizu discloses, in figure 1, a method of treating an optical lens, wherein the support (3) comprises a pair of parallel rails (211 and 303), the first and second arms (21 and 22) being movable by translation on said pair of rails, relatively to each other.

Regarding claim 100, Shimizu discloses, in figure 1, an optical lens (L) treated with the method of claim 49 (paragraphs 0045-0047).

Allowable Subject Matter

4. Claims 84-99 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 84, wherein the claimed invention comprises, in claim 84, wherein the optical lens holder is further defined as comprising two identical spaced apart tabs projecting perpendicularly from the first and second arms, or two identical spaced apart tabs projecting perpendicularly from one of the arms and a single similar tab projecting perpendicularly from the other arm toward the two spaced apart tabs and situated in between the two spaced apart tabs, as claimed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/
Examiner
Art Unit 2873

BNT

/Ricky L. Mack/
Supervisory Patent Examiner, Art Unit 2873